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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,704	10/24/2003	Bog Hyun Jang	P-0600	6789
34610 7590 08/18/2008 KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200				
EXAMINER				
NGUYEN, TOAN D				
ART UNIT		PAPER NUMBER		
2616				
MAIL DATE		DELIVERY MODE		
08/18/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/691,704

**Applicant(s)**

JANG, BOG HYUN

**Examiner**

TOAN D. NGUYEN

**Art Unit**

2616

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/29/08 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-3 and 6 have been considered but are moot in view of the new ground(s) of rejection.

The applicant argues with respect to claim 1 on page 6, fourth paragraph that Nowara does not disclose synchronizing a mobile station and base station based on the synchronous position determined in (e), wherein the mobile station performs initial cell retrieval using a single filter based on the synchronization obtained in (f). The examiner refers to the Office action in section 4.

The applicant argues with respect to claim 6 on page 7, fourth paragraph that Nowara's next partial portion is not correlated with only a real number unit of synchronous code data as required by claim 6, but rather is correlated with a next PN sequence. The examiner disagrees. Nowara clearly teaches at col. 7, lines 12-13 (see figure 6, reference step S7) in the following passage: "S7: Where the correlation value  $C_{u,q,p}$  is in excess of the threshold value 0 (delta means) (if the correlation value is

greater than the preset threshold value means), the accumulated value is accumulated (then multiplying adjacent data which either precedes or follows the extracted baseband data by only a real number unit of the synchronous code data means) .”

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nowara (US 5,974,087) in view of the applicant's admitted prior art (AAPA).

For claim 1, Nowara discloses waveform quality measuring method and apparatus, comprising:

(a) dividing synchronous-code data into a first part and a second part (figure 6, reference S3, col. 6, lines 61-62);

(b) dividing baseband data into a first part and a second part (figure 6, reference S2, col. 6, lines 57-60);

(c) generating a first correlation value based on multiplication of only one of the first part of the baseband data and the first part of the synchronous code data, or the second part of the baseband data and the second part of the synchronous code data (figure 6, reference S5, col. 6, line 65 to col. 7, line 9);

(d) detecting whether the first correlation value is greater than a preset threshold value (figure 6, reference S6, col. 7, lines 10-11); and

(e) determining a synchronous position based on (d) if the first correlation value is greater than the preset threshold value (figure 6, reference S17, col. 7, lines 49-51).

However, Nowara does not expressly disclose:

(f) synchronizing a mobile station and base station based on the synchronous position determined in (e), wherein the mobile station performs initial cell retrieval using a single filter based on the synchronization obtained in (f). The applicant's admitted prior art (AAPA) discloses (f) synchronizing a mobile station and base station based on the synchronous position determined in (e), wherein the mobile station performs initial cell retrieval using a single filter based on the synchronization obtained in (f) (figure 1, page 1, lines 1-12).

One skilled in the art would have recognized the synchronizing a mobile station and base station based on the synchronous position determined in (e), wherein the mobile station performs initial cell retrieval using a single filter based on the synchronization obtained in (f), and would have applied the AAPA in Nowara's synchronization. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the AAPA in Nowara's waveform quality measuring method and apparatus with the motivation being to provide the initial cell retrieval method (page 2, line 1).

For claim 2, Nowara discloses wherein if the first correlation value is greater than the preset threshold value, then:

reading additional baseband data and synchronous code data (figure 6, reference S7, col. 7, lines 12-13);

performing (a)-(c). for the additional baseband and synchronous code data (figure 6, reference S8, col. 7, lines 14-15);

determining whether a second correlation value generated based on the additional baseband and synchronous code data is greater than the present threshold value (figure 6, reference S14, col. 7, lines 34-37);

determining which of the first or second correlation values is a maximum value (figure 6, reference 15, col. 7, lines 39-43); and

determining a baseband data position based on the maximum correlation values, the synchronous position corresponding to or being based on the baseband data position (figure 6, reference S17, col. 7, lines 49-51).

For claim 3, Nowara discloses wherein, in (c), the first correlation value is generated based on multiplication of the first part operation of the baseband data and the first part of the synchronous code data, the first parts corresponding to real number units of the baseband data and the synchronous code data (col. 15, lines 55-57).

For claim 6, Nowara discloses waveform quality measuring method and apparatus, comprising:

extracting baseband data by dividing it into block unit (figure 6, reference S2, col. 6, lines 57-60);

generating a correlation value base on the extracted baseband data and synchronous code data (figure 6, reference S5, col. 6, line 65 to col. 7, line 9);

detecting whether the correlation value is greater than a preset threshold value (figure 6, reference S6, col. 7, lines 10-11);

if the correlation value is greater than the preset threshold value, then multiplying adjacent data which either precedes or follows the extracted baseband data by only a real number unit of the synchronous code data (figure 6, references S7-S8, col. 7, lines 12-15, and col. 8, lines 10-37);

determining a synchronous position based on a result of said multiplication (col. 8, lines 45-46).

However, Nowara does not expressly disclose:

wherein a mobile station and base station are synchronized based on said synchronous position, the mobile station performing initial cell retrieval using a single filter based on said synchronization. The applicant's admitted prior art (AAPA) discloses wherein a mobile station and base station are synchronized based on said synchronous position, the mobile station performing initial cell retrieval using a single filter based on said synchronization (figure 1, page 1, lines 1-12).

One skilled in the art would have recognized the wherein a mobile station and base station are synchronized based on said synchronous position, the mobile station performing initial cell retrieval using a single filter based on said synchronization, and would have applied the AAPA in Nowara's synchronization. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the AAPA in Nowara's waveform quality measuring method and apparatus with the motivation being to provide the initial cell retrieval method (page 2, line 1).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TOAN D. NGUYEN whose telephone number is (571)272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. D. N./

Examiner, Art Unit 2616

/FIRMIN BACKER/

Supervisory Patent Examiner, Art Unit 2616